vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.67 OF 1998

Shri Ansari Md.Ramzar Md.Makki ... Petitioner

V/s.

Citizen Welfare Education & Ors. ... Respondents

Mr.Mihir Desai for Petitioner
Mr.A.R. Shaikh for Respondent Nos.1, 2 and 3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 27, 2007**

P.C.:

. The petition challenges the order of the School Tribunal dated 11.8.1997 in Appeal No.22 of 1996. The issue which arises in this writ petition is about the duration for which the petitioner had worked. The Tribunal has dismissed the appeal on the ground that his appointment was only for a period of one year and was on a temporary basis. The School Tribunal held that there was no evidence on record indicating that the petitioner had in fact worked for a longer duration. During the pendency of the writ petition, the petitioner applied for certain documents under the Right to Information Act. Accordingly, the Government secured documents from the School and furnished them to the petitioner. These documents indicate that the petitioner had worked for more than a year with the respondent school. However, admittedly, these documents were not produced on record

before the School Tribunal.

2. Hence, the order of the Tribunal is set aside. The Appeal No.22 of 1996 is remanded for hearing it afresh. The petitioner is at liberty to lead oral and documentary evidence. He is permitted to produce the documents he has obtained under the Right to Information Act and any other further documents in support of his appeal. The Respondent may also lead evidence in rebuttal. All contentions of the parties are left open to be decided by the School Tribunal. The School Tribunal will hear and dispose of the matter by June 30, 2008.

3. Writ Petition is disposed of accordingly.